IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPLICATION NO.267 OF 2002

The Commissioner of Income-tax ..Petitioner.

V/s.

M/s.Dhanraj Mills Ltd. ..Respondent.

Mrs.P.P.Bhosale with B.M.Chatterji for petitioner.

None for respondent.

CORAM : DR. S.RADHAKRISHNAN AND J.P.DEVADHAR, JJ.

DATED : 6TH MARCH, 2007.

P.C. :-

. This application is filed by the petitioner for the assessment year 1993-94. In the above application, revenue has raised the following questions of law:-

1) Whether on the facts and circumstances of the case and in law, the Tribunal was justified in directing the A.O. to delete the adjustment made under section 143(1) (a) of the I.T. Act, 1961 ?

2) Whether on the facts and circumstances of the case and in law, the Tribunal was justified in holding that section 143(1)(a) had been wrongly invoked for disallowing the claim of the assessee on account of finance charges although the claim on account of finance charges was neither quantified nor debited to the profit and loss account by the assessee ?

3) Whether on the facts and circumstances of the

case and in law, the Tribunal was justified in holding that section 143(1) (a) had been wrongly invoked for disallowing the claim of the assessee on account of finance charges although the liability on account of finance charges had not crystalised during the previous year ?

4) Whether on the facts and circumstances of the case and in law, the Tribunal was justified in directing the A.O. to delete adjustment on account of finance charges when the provisions of clause (iii) of first proviso to section 143 (1) (a) of the I.T. Act, 1961 empower the A.O. to disallow any deduction, allowance or relief claimed in the return which on the basis of the information available in such return is prima facie inadmissible ?

2. Similar questions were sought to be raised for the earlier years in Income Tax Application No.268 of 2002 which we have declined to entertain by our order dated 5th March, 2008 for the reasons stated therein. In view thereof, for the same reasons this application is also dismissed.

(DR.S.RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)